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Attorney for Plaintiff WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SO-LEK
)	(Copyright)
Plaintiff,)	
)	DECLARATION OF TIMOTHY J.
vs.)	HOGAN; EXHIBITS "1" TO "6"
)	
HAWAIIAN EXPRESS SERVICE,)	
INC., a California corporation; et al.,)	
)	
)	
Defendants.)	
_____)	

DECLARATION OF TIMOTHY J. HOGAN

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the courts of the State of Hawaii and I make this declaration under penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information and belief. If called upon to testify regarding the matters stated herein,

I am competent and willing and able to testify.

1. Attached hereto as Exhibit "1" is a true and correct copy of an email from Fleming division president Brian Christensen to Teresa Noa that was obtained in discovery from the PCT dated July 1, 2003.

2. Attached hereto as Exhibit "2" is a true and correct copy of an excerpt of a document that was attached to an email from Jacqueline Rio to Teresa Noa obtained in discovery from the PCT dated April 16, 2003. The attachment was a multi-part Word document that purports to be the Handbook prepared by Jacqueline Rio. A true and correct copy of a page from part "F" of the Handbook is attached to the email and Exhibit "2" is an excerpted page from that Word document.

3. Attached hereto as Exhibit "3" is a true and correct copy of an excerpt from the deposition of Jacqueline Rio taken herein on December 6, 2004.

4. Attached hereto as Exhibit "4" is a true and correct copy of an excerpt from the deposition of Mark Dillon taken herein on December 16, 2003.

5. Attached hereto as Exhibit "5" are true and correct copies of emails received in discovery from Teresa Noa in this case that have references to Job ID.

6. Attached hereto as Exhibit "6" are true and correct copies of emails received in discovery in this case from Teresa Noa that have references to Order

ID.

I hereby declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Executed: Honolulu, Hawai'i, February 21, 2006.

/s/ Timothy J. Hogan
TIMOTHY J. HOGAN
Attorney for Plaintiff WAYNE BERRY